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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Written statement* submitted by the International Fellowship of Reconciliation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Colombia - Threats to Human Rights Defenders

Over a year has passed since the signing of the Peace Accords between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC), but the security of human rights defenders in the country is worsening. According to the NGO *Somos Defensores*, there was a 32% increase in murders of human rights defenders from 2016-2017, as cited in the December report by the Verification Mission from the UN to the Security Council. However, the Bogotá think tank IndePaz put the increase as high as 45%,[1] and Frontline Defenders' annual report for 2017 indicates that 30% of all human rights' defenders killed worldwide were Colombian, the single-largest percentage for any country.[2]

FOR's dedicated international observation program in Colombia, FOR Peace Presence, has worked alongside human rights defenders in the country for over 15 years, and throughout this time has accompanied the Peace Community of San José de Apartadó in particular. As recently as December 29, 2017, one of FORPP's field team members witnessed five armed men, allegedly members of the paramilitary successor group 'Gaitanista Self-Defense Forces of Colombia' (AGC), invade the Peace Community's storehouse on the outskirts of its central settlement and attempted to kill Germán Graciano Posso, the legal representative, as well as other community leaders. Peace Community members acting in self-defense were able to immobilize and detain two of the attackers, preventing any major injuries. They then turned the two men into the custody of the Colombian Attorney General's Investigative Unit in the presence of Deputy Minister of the Interior Horacio Guerrera. We were troubled to learn that these two men were released after just 24 hours.

Following the attack, on January 9, heavily armed troops from the AGC were seen in the hamlets of Miramar, La Cristalina, La Linda, and El Mariano.[3] Days before this, AGC members in the neighboring rural district of Saiza stated that they were going to commit a massacre in the Peace Community in retaliation for the capture of two of their men during the December 29 attack. On January 10, Peace Community members learned of a plan to burn down their central settlement, and on January 11, death threats were issued to Gildardo Tuberquia and Mr. Graciano by paramilitaries living in the city of Apartadó. Finally, on January 16, paramilitary gunmen reportedly prevented a member of the Peace Community from bringing his daughter to seek medical attention.[4]

With settlements throughout the San José de Apartadó District, the Peace Community of San José de Apartadó prohibits the presence of armed groups inside its boundaries and upholds the values of nonviolence and non-participation in war. It was founded on principles of international humanitarian law that protect civilians from armed conflict. Since 1997, the Peace Community has had protective precautionary measures from the Inter-American Commission of Human Rights; since 2000, it has had provisional measures from the Inter-American Court of Human Rights.

The attack on the Peace Community is particularly concerning because of the level of protection from international courts, as well as from the whole international community. The embassies of France, Germany, Norway, Belgium, and a representative from the European Union Delegation were all present for the Peace Community's 20th anniversary on March 23, 2017.

- The Peace Community is not the only high-level target. On November 26th, emblematic land reclaimant **Mario Castaño Bravo** was killed in his home in La Larga Tumaradó, collective territory in Chocó. Just 12 days later a second renowned land reclaimant **Hernán Bedoya** was killed in his Chocó home in the collective territory of Pedeguita y Mancilla, despite high level meetings in Bogotá with national and international entities discussing

1 "Asesinatos de Lideres Sociales Aumentaron un 45 por ciento en el 2017" *El Tiempo* http://www.eltiempo.com/colombia/otras-ciudades/asesinatos-de-lideres-sociales-aumentaron-un-45-por-ciento-en-el-2017-168592

2 https://www.frontlinedefenders.org/en/resource-publication/annual-report-human-rights-defenders-risk-2017

3 "Avanza la agresión avalado por la impunidad" http://www.cdpsanjose.org/node/128

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the assassination of Mr. Castaño. Both Mr. Castaño and Mr. Bedoya were accompanied by the Ecumenical Commission of Human Rights as well as members of Communities Building Peace in the Territories (CONPAZ), organizations which FOR accompanies.

- Buenaventura: On January 15th, 2017 **Emilsen Manyoma**, another CONPAZ leader, was murdered together with her partner **Joe Javier Rodallega**.[5] On January 27, 2018, emblematic community leader **Temistocles Machado** was assassinated.[6] Mr Machado was a member of the General Strike Committee, which organized the civil strike in Buenaventura in May 2017, shutting down the city for several weeks[7] to demand advances in healthcare, access to water, education, and employment.

These are only a few examples of the systematic assassinations of community leaders and human rights defenders taking place in Colombia since the signing of the Peace Accords with the FARC. In January 2018, 15 leaders have already been killed, meaning a human rights defender was killed every 48 hours. This wave of murders comes in the month following a public statement of concern by the UNHCHR[8] in Colombia regarding homicides of human rights defenders in Colombia.

In San José de Apartadó, Bajo Atrato, Buenaventura and other parts of Colombia, the main suspect behind these attacks are successor groups to paramilitaries, specifically the 'Gaitanista Self-Defense Forces of Colombia' (AGC). The San José de Apartadó district, for example, was the focus of a Risk Report issued by the Regional Ombudsman's office (*Defensoría*) in July 2017. The *Defensoría* concluded that this group seeks to exercise territorial and social control throughout the district in order to enrich themselves from the area's illegal economy, and to benefit from possible future agro-industry and mining projects. This pattern of other illegal armed groups is taking place throughout Colombia, as noted in the Second Verification Mission to the UN in their report to the Security Council in December of 2017.

As the very wave of killings emphasize, to date the Colombian State has proven unable to adequately attend to the problem. Indeed, as well as unable, it may even be the case that it is unwilling to do so. Statements by public officials have been dismissive of the systematicity of the killings and the character of these illegal armed groups (which so many human rights defenders on the ground simply continue to refer to as 'paramilitaries'). The Defense Minister stated publicly on December 16, 2017, that attacks against human rights defenders were largely due to problems between neighbors, romantic difficulties, or drug trafficking.[9] On January 2, just four days after the attack against Mr. Graciano, the Governor of Antioquia, the Department in which San José de Apartadó is located, claimed that there were no paramilitary groups in the district and accused the Peace Community of crying wolf.[10] We fear that these kinds of dismissive comments will embolden groups seeking to carry out further violence against human rights defenders.

It is the responsibility of the State to protect these community leaders and human rights defenders. We strongly urge that exhaustive investigations into the intellectual authors of these crimes be carried out, in particular the successor groups to the AUC paramilitary group demobilized in 2005. Point 3.4 in the Peace Accords with the FARC specifically addresses these successor groups to paramilitarism and has strategies for their dismantlement; we also urge that these commitments be implemented and, if need be, other strategies for their dismantlement be brought forth. If the intellectual authors of these crimes are not brought to justice, it will be difficult to prevent further violence and guarantee non-repetition.

We counsel the UN to:

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5 "Emilsen Manyoma Otra Defensora de Derechos Humanos asesinada" *El Espectador, 170117* https://www.elespectador.com/noticias/judicial/emilsen-manyoma-otra-defensora-de-derechos-humanos-ases-articulo-675257

6 "Asesinan al lider del paro civico en buenaventra, valle, temistocles machado" http://hsbnoticias.com/noticias/judicial/asesinan-al-lider-del-paro-civico-en-buenaventura-valle-temi-386256

7 "Buenaventura Wakes Up" https://zcomm.org/znetarticle/buenaventura-wakes-up/

8 ONU Derechos Humanos expresa preocupación por homicidios, estigmatización y hostigamientos a defensores y defensoras de derechos humanos en Colombia http://www.hchr.org.co/index.php/informacion-publica/comunicados-de-prensa/ano-2017/8855-onu-derechos-humanos-expresa-preocupacion-por-homicidios-estigmatizacion-y-hostigamientos-a-defensores-y-defensoras-de-derechos-humanos-en-colombia

9 Canal 1: "El ministro de Defensa dice que a los líderes los matan por líos de faldas y de vecinos", 16th of December 2017.

10 Gobernación de Antioquia: "Rueda de Prensa Consejo de Seguridad", 2nd January 2018, minute 9:00.

- Continue their efforts to support the Colombian State's ability to strengthen the protect human rights defenders, and to support and monitor the implementation of the Peace Accords between the Colombian Government and the FARC.
- Pay special attention to the implementation of point 3.4 of the Peace Accords, regarding the dismantlement of the paramilitary successor groups.
- Continue to issue public statements rejecting assassinations of human rights defenders and community leaders, as well as other human rights violations.